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The Solicitors' Journal.

LONDON, SEPTEMBER 2, 1865.

WE ARE GLAD to see that John Currie, who is charged with the murder of the gallant Major De Vere, will be brought to trial without delay. An application was made on Thursday last to Mr. Justice Montague-Smith for an order under 25 & 26 Vict. c. 65 (the "Jurisdiction in Homicides Act, 1862") for the removal of the indictment to the Central Criminal Court, and of the prisoner to Newgate. After inspecting the documents laid before him, the learned judge made the order, and the trial will accordingly take place at the September session at the Old Bailey.

By the 8th section of the Act any person convicted may be sentenced to be punished, either in the county where the offence was committed or within the juisdiction of the Court by which he shall be tried. In the present case we presume that the criminal, if convicted, will be sent to undergo the sentence of the law upon the scene of his crime. His death will then be likely to operate powerfully as a warning to his comrades.

A POINT OF SOME IMPORTANCE was raised a short time ago in the Court of Bankruptcy, before Mr. Winslow, Deputy-Commissioner. The bankrupt, Sarah Beetson, had obtained her order of discharge some months ago, but being in custody, under an attachment issued out of the Court of Chancery, for non-payment of a sum of money, she was not released. As administratrix of her late husband's estate, she had received and applied to her own purposes a sum of £600. A creditors' suit having been commenced for the administration of the husband's estate in chancery, the bankrupt was ordered to pay the money into court. Failing to do so, an attachment issued, and she was arrested for non-compliance with the order of the Court. She now applied for her discharge from custody, the keeper of the prison having refused to release her on the order of discharge without the special sanction of the commissioner. On behalf of the creditors who opposed the application, it was urged that there was no debt proveable under the bankruptcy, and that the Court of Bankruptcy had no authority to release her. Until the bankrupt had complied with the order of the Court of Chancery she could not be released, and then only by an application to the last-mentioned court, which was the proper tribunal for the purpose. The commissioner took time to consider the point, but there can be very little doubt what his decision must be; and first, the great principle is to be regarded that the Court of Bankruptcy is the inferior jurisdiction, so that the effect of discharging the bankrupt would be to annul an order of the Court of Chancery, thus bringing the two courts into antagonistic positions. Then, again, the bankrupt is not attached by the Court of Chancery for debt, but for non-compliance with the order of the Court; and to test the question we may ask whether a discharge in bankruptcy would operate to release from custody a person imprisoned under an attachment for want of an answer. There being no sum of money mentioned in such a case, there would be no pretence for setting up that there was a debt to be proved, and the attachment would hold good until the prisoner had cleared his contempt. The £600 in the present case does not appear to be a *debt* in the proper sense of the term, but to be an amount directed to be paid into court to abide the result of a suit, and until the amount due from her is ascertained in the Chancery suit, or until she pays in the amount specified, the bankrupt must remain in custody.

"A LEEDS PRACTITIONER," writing to the *Standard*, complains of the insult put upon the solicitors and mercantile community of Leeds by reason of Mr. Welch still continuing to exercise all the powers of a registrar in her Majesty's Court of Bankruptcy in that town. If Lord Westbury is to be censured for the part he took in the appointment of Mr. Welch, although it by no means appears that he was a party to the transactions between Mr. Richard Bethell and Mr. Harding, and the intrigues of Mr. Welch, how much more should the latter be brought to punishment for the part he is clearly proved to have taken in endeavouring to obtain the appointment he now holds. If it be thought by Lord Cranworth that a man who can bring himself to offer a bribe is nevertheless fit to exercise the judicial functions appertaining to the registrar of a bankruptcy court, he will find very few to adopt his view. It is needless to enlarge on the qualifications necessary for a person occupying a high official position, but certainly incorruptibility must be a *sine qud non*. That this should be recognized by Lord Cranworth is absolutely necessary for his own sake, as well as for the benefit of all candidates for office.

THE PROVERBIAL UNCERTAINTY OF THE LAW not unfrequently induces persons to enter upon litigation, relying on the possibility of their acquiring possession of something they fancy they have a right to, and even in some instances of what they have every opportunity of knowing they never had nor could have any right to possess. Such we apprehend must have been the calculation of the plaintiff in the case of *Sivell* v. *Blackwell and Wife*, recently heard at the Croydon Assizes. The plaintiff is the admistrator of a deceased person who had at one period made a will, and who being under the impression that she would be dealing unjustly with the defendants if she allowed it to stand, expressed her desire to have it cancelled. The will was subsequently cancelled in the most formal possible manner by a solicitor in the presence of the deceased and other witnesses, and afterwards the stock, the subject of this action, and some trinkets, were transferred to the defendants as a free gift. The deceased, in fact, denuded herself of all her possessions in favour of the defendants, she having confidence that they could and would support her during the remainder of her life. These facts having been sufficiently proved, the learned judge in summing-up the case took occasion to remark that with regard to the evidence as to the destruction of the will, it appeared to him that the course that had been taken of going to the attorney with it and asking his advice was the most proper thing that could have been done, and if a similar precaution was taken in every case where a will was cancelled, there would be much fewer complaints of wills having been cancelled improperly. As far as can be seen in this case there was not a shadow of uncertainty about the facts, and the plaintiff, in bringing his action, only speculated on the possibility of success.

THE *Times* IS OF OPINION that the murder of Prince Alfred's cook in the streets of Bonn, which took place last week, "will furnish a critical test of the institutions and manners of the kingdom of Prussia in the nineteenth century." Not long since we had a specimen of Prussian law as it bears on Englishmen, and now we are to see how the law operates when a Frenchman is concerned.

The story of this murder is short. M. Ott being at Bonn, on his way to Coburg, had been entertaining some friends, and when, at ten o'clock at night, he left the tavern with four of his friends, and walking arm-in-arm with two of them, the other two following, was met by a party of students, numbering about twenty, one

of them being in military uniform. An altercation ensued, from some cause unexplained, and the parties came to blows. M. Ott's party of five do not appear to have possessed any weapons, but the larger party had loaded sticks. M. Ott's two friends were knocked down, but he was attacked by the soldier and received a severe sabre cut on the head, from which he shortly expired. The soldier in question was none other than young Eulenburg, the nephew of the Prussian Minister of the Interior, and, therefore, having friends in high places, besides the privileges accorded to the nobles, up to the date of M. Ott's funeral Eulenburg had not been arrested, but after that event he was put under arrest, in a military sense, and it appears doubtful whether he will ever be tried for this murder.

If the privileges accorded to the upper classes in Prussia are such that a midnight outrage of this description can be passed over in silence, it may be fairly said that the Prussians are not so far civilized as they would wish it to appear. Without assuming either party to have been in the wrong, the killing of a foreigner in the streets of a town like Bonn ought, we should suppose, to arouse the energy of the police. But there seems to be no pretence for making this assumption for the young noble's party was as five to one against their opponents, and it is not alleged, neither is it likely, that the smaller party would have been the aggressors. They are affirmed not to have been intoxicated, but were probably excited. Whether an investigation takes place or not we feel justified in calling attention to this great inequality existing in the laws of a country so near to us both by position and alliance. The people who submit to remain under a law which allows to a particular class the privilege of wearing a sword and using it with effect on every small occasion of fancied provocation, is in a position of serfdom, which savours more of the middle ages than of the nineteenth century, and we shall be curious to observe whether in any or what manner the law will be brought to bear on this offender.

THE INHABITANTS OF DUBLIN are gratified by an Order in Council, issued on Saturday last, to close the Irish ports against the importation of cattle, and the authorities need now have no want of certainty as to the extent of their power.

THE METROPOLITAN AND PROVINCIAL LAW ASSOCIATION will hold their next meeting on the 17th of October next at Liverpool, in the library of St. George's Hall, and not at Newcastle-on-Tyne, as we inadvertently stated last week.

DISCHARGE OF THE JURY IN A CAPITAL CASE.

(*Continued from p.* 944.)

We have now considered the authorities for and against the proposition that the judge may discharge the jury merely because they have for a long and unreasonable time, been unable to agree to a verdict of guilty. We shall now examine it by the light of elementary principles. We shall find that it seems to be at variance with them. For if, indeed, the jury, after hours of deliberation, are unable to find the prisoner guilty, surely it is their legal duty to find him *not* guilty, and the judge should *direct* them to do so. If they have been so long in deliberation that the judge deems it useless to expect them to agree on a verdict of guilty, they must have been long enough in deliberation to show that there must be grave and serious doubt in the case; and in Winsor's case it must be presumed that it was so, for the judge did not sum up clearly and conclusively for a conviction, and the prosecution thought that they had no chance of a conviction without further evidence, which at the second trial they accordingly added. It must be taken, therefore, that the first jury were right in their refusal to convict, and that there were grave and serious doubts. Then, that being so, we submit that it was the duty of the judge to tell them that they were bound to find a verdict of not guilty. In capital cases it has been laid down on high judicial authority that the fact charged must be proved *strictly*: *Pike's case*, 1 Searl's Cr. Cas. 358, and that if it is *not* so proved, the prisoner is entitled to an acquittal. Can the jury deprive the prisoner of the advantage to which he is by law entitled, by declining to assent to a verdict of not guilty, although the doubt of his guilt is so great that, after long deliberation, they cannot, in conscience, find a verdict of guilty. All great criminal lawyers, from Coke and Hale down to the late Baron Gurney, have laid it down as a principle of law that, if the jury have a doubt they cannot get over, they are bound to acquit. Baron Gurney so laid it down in the case of Delany, and he was acquitted. It can only be from ignorance or neglect of this principle on the part of the jury, that they do not return a verdict of not guilty in such cases; and it is the office of the judge to remind them of it, and direct them to act upon it. The prisoner, in such a case, is, it is submitted, entitled to an acquittal. Even although the judge thinks the verdict improper, his duty is the same, and in *The Queen* v. *Wardle*, Car. & M. 647, Tindal, C.J., declared that he had no power to discharge the jury, though *one of them was a near relative of the prisoner!* The ground of that decision was manifest and indisputable. It was that the mere neglect or non-observance of one legal rule or maxim cannot justify the wilful violation of another. Because the prosecutors have neglected their duty in properly challenging the jury, or in preparing a sufficient case to commit, they are not to have a power which is not given by law to try the prisoner again and again. If a jury is properly constituted, it must be assumed that their verdict is honest; and if so, then the prisoner, as a matter of law, is entitled to acquittal, nor would a hundred instances in which juries have been discharged and prisoners tried again, make such a course lawful. It is contrary to legal principle, and no court of error has ever decided that it could be adopted.

In *The Queen* v. *Newton*, indeed—a case to which we referred last week—the prisoner was tried three times, but, for some reason, the case was never carried before a court of error. If a prisoner could be tried three times he might be tried thirty times, and so kept on trial all his life. Can such a proposition be maintained? Or can it be pretended that such a fearful power is limited only by the judge's discretion? It is remarkable that all through that case it seems somehow to have been taken for granted that the jury, in such a case, must be discharged, and that it was a mere question of time. "At sometime or other, unless they agreed, the jury must be discharged." It never seems to have occurred to the Court that the judge might have directed a verdict of *not guilty;* yet, if the doubt was so great that a jury, who must be deemed to be honest, would rather faint from exhaustion than agree to a verdict of guilty—is not the prisoner entitled to a verdict of not guilty? Suppose the facts put upon the record; if they were truly entered they would run thus:—"And the said jurors having gone from the bar to consider of their verdict, did consider of the same for a long and unreasonable time, until divers of the said jurors became faint and exhausted in body, and physically unable to remain longer in deliberation without danger to their life and health; and thereupon the said jurors did declare to the said justices that divers of them felt such doubt on the evidence as to whether the prisoner was guilty or not guilty that they could not agree to a verdict of guilty; whereupon the said justices ordered the said jurors to be discharged, and they were accordingly discharged without giving any verdict." Now would not error lie upon that record? To make it plainer, suppose the entry added, "And the counsel for the said prisoner did thereupon call upon the said justices to direct the said jurors that being in such doubt, after such long deliberation, whether they could upon the evidence find the prisoner guilty, they

were bound in law to find the prisoner not guilty; but the said justices declined so to direct the jury, and thereupon discharged the said jury;" there again would be error upon the record.

We have hitherto been dealing with the case of a jury who have gone from the box to consider of their verdict, and been in deliberation a long and unreasonable time. Cases, however, where the trial is interrupted by the act of God before it became the duty of the jury to deliver a verdict, and, therefore, before the prisoner ever was in jeopardy, on the one hand, of a verdict of guilty, or was entitled, on the other hand, to a verdict of not guilty, are altogether different. Thus, in *R.* v. *Edwards*, 4 Taunt. 310, it was held that where the prosecutor fell ill while giving his evidence the jury could be discharged. So if a juror died, or fell ill; or the judge, or a principal witness. These are all cases of the act of God intervening in the *course* of the trial; and in such cases one can understand the discretion of a judge, for it is a general principle that a judge has a discretion in the course of conduct of a trial, and it is a maxim of law that the act of God is not deemed to prejudice either party. It is quite otherwise of the acts of men, and of the act or default of men contrary to their duty, although even then, in the *course* of a trial, it would seem that a jury may be discharged (*Reg.* v. *Charlesworth*, 31 L. J. M. C. 25). When the case is *closed*, and the jury have gone from the bar, and have been in deliberation a long and unreasonable time, it is their duty to deliver a verdict, and, if they are so much in doubt that they *cannot* give a verdict of guilty, they are bound to give a verdict of not guilty. Nor is it any answer to say that perhaps it may be only the doubt of a part of their body. The law requires that they should be unanimous in a verdict of guilty, and tells them that if there is any reasonable doubt they are bound to acquit. And the doubts, if any, of part of their body, as they must be deemed to be honest, cannot, when the deliberations have been protracted so long in an attempt to solve them, be deemed otherwise than reasonable; and, if so, the prisoner is entitled to an acquittal.

The cases decided on the ground of physical necessity arising from the act of God, have been cases in which the jury had not retired to consider their verdict, and a jury cannot be bound to deliver a verdict except they have done so, and deliberated a reasonable time. Then they are bound to deliver their verdict, and the prisoner is entitled to have them do so. "A jury sworn and charged in case of life cannot be discharged, but they ought to give a verdict," says Lord Coke (1 Inst. 227); and again, "Their verdict must be known, and they cannot be discharged" (3 Inst. 110; *Rex* v. *Jeffs*, 2 Stra. 984.) That is, when the time has come for their giving their verdict, "when the evidence on both sides is closed: and, indeed, when any evidence hath been given, the jury cannot be discharged until they have given their verdict," unless in cases of evident necessity (Hawk. P. C., b. 2, c. 147), *i. e.*, cases of such necessity as arise from the act of God, occurring before the jury retire. No reliable authority has been adduced in which it has been held otherwise. And cases of evident necessity can only arise from the act of God. The mere absence of a witness, or misconduct of the prosecution, or defective constitution of the jury, are not cases of evident necessity, for they might have been avoided. Still less can the doubt of a jury, after long deliberation, be deemed a case of evident necessity. The only necessity is that they should deliver that verdict, which it is their duty to find if they cannot agree to a verdict of guilty, viz., a verdict of not guilty, and that the judge should direct them to do so. Should they refuse, he might detain them until the necessities of nature should oblige him to discharge them. But then it may be argued that there would be an equal necessity to discharge the prisoner. He has once been in jeopardy. He was by law entitled to a verdict of not guilty, of which he has been deprived. If the facts be put on the record, as they ought to be put, it will appear that he was so entitled, and that, having been once in jeopardy, he was entitled to be discharged. And even supposing the judge not to discharge, would he not be entitled on a writ of error to a *judgment quod eat sine die?* or, on a second trial, could he not plead the facts, as a special plea, amounting to *autrefois acquit?* Either course might be taken, and there is no difficulty about either. In Winsor's case there was no writ of error before the second trial, and no plea at the second trial. In *The Queen* v. *Newton* it was recognized that either course would be available.

It is true that a writ of error only lies in a criminal case with the sanction of the Crown, and that the Court for Crown Cases will not consider a point which could be caused by writ of error: *R.* v. *Faderman*, 1 Den. C. C. 565, but in the present case there can be no doubt that the *fiat* for a writ of error will be, or has been, granted; and then the great question will be considered and decided, as Lord Denman declared it ought to be decided, solemnly and deliberately by a court of error. The question being neither more nor less than this, whether a prisoner, even in a capital case, can be kept in prison and put on his trial again and again, year after year, until a jury can be got to convict, although, upon the first trial the jury, after long and careful consideration, felt so much doubt that they could not bring themselves to find a verdict of guilty. In other words, whether there may be indirectly a *new trial* in favour of the *Crown*, and against the prisoner; and whether the old principle that the prisoner is entitled to the benefit of any doubt, is not to be set aside, and, indeed, turned against him, and read thus—that he is to be tried and tried again, until, by fresh evidence added each time, all doubt is cleared up.

THE ENDS OF JUSTICE.

The ends of justice and the ends of curiosity sometimes lie very close to each other. They are thriftily satisfied at one and the same time, when a tale of crime comes from the criminal's own lips. Poetic justice, which, according to the old fashioned use of the term, meant justice awarded by the working of the imagination, may, in modern language, equally signify justice dealt in fact, but operating on the mind with the exciting pleasure of fiction. This new kind of poetic justice is not now in any rude or simple state, but has made rapid progress in acquiring a shape of art. There is a gradual unfolding of the plot of a confession. You hear, for instance, first of an earnest question put to the condemned man by his spiritual minister, and of a silent look of guilt in answer, as in Müller's case. A peculiar word or tone of voice is the next news from the cell, and hope is given of some further revelation in time for the evening papers. But there is no revelation. The prisoner mounts the last steps, keeping the public in the suspense of a tragedy fourth act, with the power of a master. "Last scene of all," and he gasps into the minister's ear, "I did it." Another murderer, a few weeks afterwards, would imitate this drama. He makes all ready for the catastrophe of confession by having the clergyman close to him on "the drop;" he begins to gasp; but he is strangled—like Kohl—with his poetry in his throat. A third, as a painter with his canvas, begins with a faint outline, which he may fill in or alter to suit the remarks of critics: after a while, when the points of the sketch have been discussed with varying favour, he adjusts the composition and finishes the details. Such an artist was Dr. Pritchard. Another, as soon as he has killed five victims in his own family, tears off a theatrical disguise, and calls at once for pen, ink, and paper, that he may teach the world great views of an overpowering moral destiny, which has swept into one vortex himself and the leading statesmen of the day as its common instruments. But the interest in confession is sustained at the highest pitch—whether designedly or not—when a penitent has dropped the whole story of bloodshed into the private ear of a sealed con-

fessor, and publicly has made no more than a bare avowal of guilt before the magistrate, and put in a simple plea of guilty to the indictment, with but a few ejaculatory words on the motive of a fratricide. Then, indeed, every one of the journalists and readers of journals becomes an uncompromising promoter of the ends of justice, a stern upholder of what is due to the administration of the law, and an indignant vindicator of the reparation to which society is entitled. The criminal woman, with all her antecedents, and the criminal deed in all its incidents, have become the property of the people. If there is a full and faithful disclosure, the account is balanced—she has made her peace with the people. But woe be to the reputation of the convict who goes out of the world into a grave under the prison stones, or into penal servitude within the prison walls, with the creditor's side of this account unclosed by a full, true, and particular confession.

Some such feeling may have induced the confession just made to Dr. Bucknill and Mr. Rodway, and published by them at the desire of the convicted woman whom the doctor examined on behalf of her friends by the Lord Chancellor's permission. It would be ungenerous, as well as unnatural, to suppose that the inducement in the present case had been the unworthy love of a bad notoriety. At any rate, after a baulk of some months by the reticence of the priest, the unexpected gratification is had at last through the physician and the lawyer. For any judicial purpose, or genuine object of justice, this confession is superfluous. The plea of guilty was sufficient, if it told the truth; if it did not, the confession is only one invention more. Of itself it proves nothing. If the object was to remove the doubts entertained of the truth of the plea, there are points in the narrative which provoke rather than allay scepticism. So strenuous has been the contention, particularly in a well-esteemed legal contemporary, for the theory of the plea being good for nothing else than to screen others, that probably more elaborate arguments than before will appear to prove the truth of this theory from the very narrative which may have been intended by the guilty one to put it down.

The fidelity of a tale going into minute circumstances is well tried by small matters which otherwise would appear too trivial for notice. Constance Kent says she lay awake watching until she thought that the household were all asleep, and soon after midnight she left her bedroom and went down stairs, and opened the drawing-room door and window shutters. She then went up into the nursery, withdrew the blanket from between the sheet and the counterpane, and placed it on the side of the cot. She then took the child from his bed, and carried him down stairs through the drawing-room. She had on her night-dress, and in the drawing-room she put on her goloshes. Having the child on one arm, she raised the drawing-room window with the other hand. We have not been at the pains to refer to the investigation made at the time when the crime was committed in order to compare this statement at all points with what was then given in evidence; for on the main question we have, under the circumstances, felt morally satisfied on our own part with Mr. Justice Willes's declaration from the bench that he could entertain no doubt, after having read the evidence with the depositions, and considering that that was the third confession of the crime, that the plea was one of a really guilty person. But we have a distinct recollection of one incident, which involved design and deliberation, but is wholly passed over in this account, and does not fit in well between its parts. The cot was found in the morning with the bedclothes re-laid and smoothed. If it remained impressed on the narrator's mind after four years, that having the child on one arm she raised the drawing-room window with the other hand (a thing, the sceptics will say, in itself *primâ facie* most improbable), why, they will ask, did it not equally remain impressed on her mind that she re-laid the clothes, and what she did with the child in the meantime? Again, as to the time of opening the window, if she took the precaution of opening the drawing-room door and shutters, why did she not also then open the window? We have noticed the manner of opening the window; it will fairly be questioned whether a girl of sixteen would be able to raise what may be presumed to have been a heavy drawing-room sash with one hand, while she held a child, who was not a mere baby, in the other arm. It is still more questionable whether, if able, she were likely to do so, when any noise from disturbance of the child, or jarring of the window, might have frustrated her scheme. The difficulty of stabbing with a razor, and its unsuitableness for making a wound which, according to the medical evidence, was inflicted with a sharp-pointed instrument, require explanation. The whole tale, too, about the night-dresses is wanting in purpose. What, it will be further asked, was the object, after all three of the dresses had been examined by Mr. Foley, the police superintendent, of secreting, the one moving it from place to place, and eventually burning it, because, on holding it up to the light, the stains of the two blood spots were found to be still visible? There was abundance of opportunity in a bedroom for washing out these two stains effectually. It was not until five or six days after the deed that this dress was burnt. In the morning, she says, after she had washed out the spots, the dress had become dry where it had been washed. She folded it up and put it into the drawer. It is very difficult to believe that a girl who showed so much contrivance and cunning would have laid herself open to suspicion by such an act, instead of continuing to use the dress.

These repulsive details need not be further pursued. Enough has been said to show that any good which might have been done in convincing sceptics is not likely to be attained. Not that we consider it necessary to convince them, after what took place on the indictment. Generally too much importance is attached to confession. If a culprit has a fair trial, and the verdict of guilty follows and is supported by the evidence, it is of very little consequence what he afterwards says for the public. If he denies guilt he is not believed; if he is expected to admit it, that the public may contemplate his strangulation or other punishment comfortably, then, in every case where he persists in asserting innocence or not confessing guilt, people grow uneasy about a miscarriage of the law. The law must be taken, like other things, with its fallibility. The chance that an innocent man may be sometimes hanged raises a very good argument on the subject of capital punishment, but it furnishes none at all for confession after verdict. Public reliance on confession weakens the administration of law. As to the details of these sanguinary chapters of the biography, they seem to serve no object except to confer on the actor a few days of notoriety as a set-off against his impending extinction, or seclusion, or to give hints, more or less trustworthy, for a repetition of the crime. The criminal's mind cannot be eased a whit more by the diffusion of his tale through the newspapers than by his confiding it to his spiritual minister. While we have no doubt that a priest sworn in a court of justice is bound to reveal a confession, we have great doubt whether it is his duty to divulge what is told him by one who, sentenced, would make his peace in another world. Even if the criminal desires that the confession to a priest, or other person, be made public, it does not follow that the desire should be gratified in the savage and loathsome particulars of the victim's "blood coming," and of the "damned spots" on the murderess. Although, therefore, we do not accept unreservedly what has now been published, we are far from joining in the wish, which we have seen expressed, that there should be a further disclosure. Obscurity to convicts is one of the best sedatives of criminal passion in others, whose propensities would be fostered by the prospect of keeping themselves before the public, in any character or any career, even for a brief season.

THE LEGISLATION OF THE YEAR.

28 & 29 VICTORIÆ, 1865.

Cap. I.—*An Act to amend certain clerical errors in the Civil Bill Courts Procedure Amendment Act (Ireland)*, 1864.

"Confession is good for the soul," and we might, if the Legislature had a soul, reasonably suppose that it had began its labours with a confession of its previous shortcomings, in order to enter upon its proper work with a cleared conscience. This first Act of last session is very short, and is nothing more nor less than what its title expresses, namely, a correction of sundry clerical errors, appearing in an Act which is one of about fifty to which the royal assent was given on the 29th of July, 1864. The errors in the Act of 1864, although nine in number, are all of the same description, and may probably be in fact the result of only one mistake, seeing that they all refer to numbers, each of which is a single unit in arrear.

The scramble and jumble caused by a press of business at certain periods of the session can be no excuse for the numerous errors which creep into Acts of Parliament, nor for the omissions so often noticed by lawyers; and the evils resulting from hurried and ill-considered law-making are often greater than would arise from a total absence of legislation on any particular subject, or from leaving the law as it is until some well digested-measure can be deliberated upon and passed. Our statute-book is already heavily encumbered with useless and repealed Acts of Parliament, and it is unpardonable to cause a further addition to their number by mistakes and omissions which require a fresh Act to set them right.

Besides being a very slovenly mode of transacting business, this careless legislation is a source of considerable trouble and annoyance, and not only of trouble and annoyance to those who may have the charge of carrying out Acts of the objectionable description, but also of trouble and waste of time to Parliament. We must confess ourselves to be strong believers in the adage that "a stitch in time saves nine," and that no pains ought to be spared in eliminating errors, even though they be only clerical, from bills while in their passage through the House, and a little extra time thus employed is well spent if it saves the humiliation of going over the same ground at a future time to repair an error which might have been avoided.

Cap. III.—*An Act for the protection of inventions and designs exhibited at certain industrial exhibitions in the United Kingdom.*

Cap. VI.—*An Act for the protection of inventions and designs exhibited at the Dublin International Exhibition for the year one thousand eight hundred and sixty-five.*

These two Acts are in their nature and objects so nearly allied, that any remarks respecting the one will apply equally to the other, and, in fact, the Dublin Act, as we may call it, is only different in this respect, that it is to answer a specific occasion, whereas the other is a general Act, which may be applied to any occasion.

The practice which, ever since the world-famed exhibition of 1851 was initiated by the Prince Consort, has so extensively prevailed, of forming periodically for exhibition collections of objects of industrial art, has raised a necessity for the provisions here enacted. It has been found that great encouragement would be given to inventors if, by means of exhibiting and explaining their inventions, they should be enabled to ascertain the extent to which they may become useful, as well as the probable success which might result from taking out a patent. Without the protection now afforded, such inventions were liable to be pirated, and although it was allowable, for a moderate fee, to register an invention provisionally, the new enactments will operate as a provisional protection without fee.

In case of any future projection of an industrial exhibition, the Board of Works, in certifying that the exhibition is entitled to the benefit of the Act, which they may do, they are to certify the time, not exceeding six months, and the place during and at which the exhibition is proposed to be held.

The exhibition of new inventions, under such certificate by any person, whether he be or not the true and first inventor, will not prejudice the right to register provisionally or invalidate any patent granted for such invention. A similar clause is added, relating to designs capable of being registered under the Designs Act, 1850.

It will be observed that the Legislature here recognizes the usefulness of these exhibitions, and the great good they have done for the commerce of the country; it also obviously intends to afford assistance to poor inventors. Without doubt the effect of exhibiting new inventions before they are protected, will be to prevent many of them from ever being protected, and if advantage is taken of the right so given, we may anticipate a large diminution in the number of patents.

The facilities which will be given for comparing notes and ascertaining the value, not only intrinsic, but in relation to existing inventions, of any new design, will save many a poor man from what might prove to him a heavy outlay, and enable him to acquire information which he never could have had without incurring the risk of too great publicity.

These remarks are offered without reference to the good or bad policy of permitting inventors to have a monopoly by means of patents, and only as applying to the present state of the law. Were the patent laws abolished, the 27 & 28 Vict. c. 3, would become a dead letter *ipso facto*, and without repeal.

STATE OF THE LAW IN RELATION TO INFANTICIDE.

An unwillingness to change the English laws has long been a characteristic of the English People. True it is that in questions of detail each year witnesses many alterations in form and method of operation; but in principle the law remains the same as that traditionally adopted. In our criminal jurisprudence this is especially manifest. The varying relations of civil life, the complications of our commerce consequent on the progress of science, and the greater facilities of communication thereby afforded, have called into existence many recent statutes for our mercantile arrangements. These are chiefly adaptations of an old machinery to meet the new condition of circumstances. This was forcibly commented on by Mr. Justice Willes in his charge to the grand jury at Wells on the opening of the recent commission in that town. His lordship then availed himself of the opportunity to contrast the civil and criminal law; and observed that "the judges were bound to administer the latter law strictly as they found it. It was for the Legislature, and not for the judges, to make the law to meet crimes which were unheard of in ancient times, so as to enable the offenders to meet with that punishment which they deserved." While, then, in matters of civil relations "the judges can (as Mr. Justice Willes declared) apply ancient principles to new combinations of circumstances, and thereby to some extent make new laws, in order that substantial justice may be done," in the matter of human life their discretion and authority are limited: proofs, not probabilities—facts, not inferences, alone can warrant a conviction of the guilt of an accused. It may be that this is a wise regulation. Could we always ensure the judicial bench to be occupied, as it is at present, by judges whose learning, honour, judicial purity, personal character, and public spirit specially mark them as the first men of their age, into whose hands the keeping of the country and the safety of society are most fittingly entrusted, it might be a matter of public advantage to permit judicial discretion to pursue in criminal cases the same system as that found to work so beneficially in civil suits. Experience, however, informs us that even on the judicial bench unworthy men have been found, and that the town of Wells in time long past had Jeffrey's presiding at its bloody assize. Admitting, then, that in the matter of human life and liberty exactness in the law is most essential, we are led to the conclusion that amplitude to include notorious offences is equally important. That criminals should escape because there is no law to meet the precise cases, and a great wrong

be permitted to go unpunished by reason of technicalities interrupting the course of justice, is a condition of things which the wisdom and experience of the present day can be scarcely expected to tolerate. Yet that such is the case we are assured by Mr. Justice Willes, who particularized one instance in which a person had, through the defective state of the law, entirely escaped the consequences of an admitted crime. The special class of misdeeds which elicited these valuable observations from Mr. Justice Willes were "charges of murder for taking away the lives of young children at or about the time of their birth"—offences which he, the learned judge, "was happy to say had attracted a great deal of attention, but in his opinion not more than they had deserved." In pointing out the defects of the law, so far as it provides against the commission of such offences, Mr. Justice Willes said "he should endeavour to avoid those great enemies to truth—sentiment and exaggeration." We have already discussed this subject in a similar practical spirit with a view to its remedy, and find our suggestions confirmed by the experience of this very learned judge. There is no doubt that, for the punishment of infanticide, the law is at present deficient. Mr. Justice Willes observed—"The law with respect to the concealment of birth applied only to the concealment of the dead body; whereas the real offence committed was, by an act of concealing the existence of the child, to do away with the chance of its living, which it might have had if the ordinary disclosure of the child's birth had taken place."

This Act, 9 Geo. 4, c. 31, s. 14, passed in substitution of the older statutes, is one of many illustrations in which the spirit of the law is narrowed, "cribbed, and confined," by the letter. The words of the section run thus: "If any woman shall be delivered of a child, and shall, by secret burying, or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof," &c. This involvement of the offence of the concealment of the life with the disposal of the body when the life is extinct, constitutes a grave defect in the law. It has been so declared by Mr. Justice Willes, and such a declaration coming from admittedly one of the first lawyers on the Bench promises well for its removal. Proceeding to comment on the imperfections of the statutes applying to infanticide, Mr. Justice Willes further observed "Another difficulty was this. It was sometimes impossible so discover whether or not there had been foul play; but, in cases where foul play was obvious, where the child had had violence applied to it, it was at present exceedingly difficult to obtain a conviction, either of murder or manslaughter, by reason of the almost impossibility of proving that the child, at the time of the coming by its death, was, in the language of the law, 'a reasonable being in the Queen's peace'—a definition which only applied to a child having had entire birth. The evidence failed to establish in the great proportion of cases that the child was the subject of a complete and separate existence."

This condition of the law we have already commented upon. It is one deserving of the most serious consideration, as there is no doubt that the period of parturition is too frequently the occasion on which infanticide is accomplished, when conviction may be impossible from the peculiar circumstances of the case. Mr. Justice Willes well asks, "What were the remedies for defects of this description?" and answers his inquiry by the observation and suggestion, "Of course the Legislature alone could deal with them, and provide a remedy in cases where the evidence did not establish the separate existence of the child;" and he adds, "The Legislature would be well employed in considering whether this should not be a distinct offence, and that there should not be an acquittal on the ground that the evidence did not prove the child to have been completely born, leaving it to the discretion of the judge to direct a charge of murder to be made. He could not refrain from saying that he had seen many cases of suspicion where justice could not be satisfied by a conviction of concealment alone." No doubt can be entertained of the justness of these remarks. It is a very melancholy fact that in London alone infantile lives, to the extent of many hundreds, are yearly sacrificed. Years have passed since the late Mr. Wakley directed public attention to this fact; additional experience has but confirmed his remarks. Could we estimate the number of lives sacrificed during the period of utero-gestation, in the act of parturition, and in the first three months of infancy, the returns would astonish even the most enthusiastic disciple of Malthus. Surely it is a question of the highest social necessity, as well as of the first public importance. Mr. Justice Willes believes that the power of the criminal law, however energetically directed, will—nay, from circumstances, must—prove inefficient as a means of prevention. It may render the crime more secret; it will not make it more scarce. We have suggested a way of redress in the recognizing the present condition of our social life, with a view of relieving the destitution which frequently operates as an inducement to such crime. We infer that Mr. Justice Willes is of opinion that some means of this character are requisite and advisable. This is our conclusion from the judge's observation—

"He was assured, from what had come to his knowledge and it was the opinion of those who had applied their minds to the subject, that an administrative remedy might be more effectual than punishment, because it might remove the inducement to commit offences of this description. An administrative remedy might save the country from an imputation which was becoming darker and darker every year."

In these observations we entirely concur. What is the administrative remedy to be? This is a question we commend to the earnest consideration of practical philanthropists. If the present and future object be to preserve infant life as well as to prevent crime, the establishment of foundling hospitals will go but half-way. Statistics show that the mortality of spoon-fed infants is scarcely less than that under the present system. Illegitimate children are seldom remarkable for robust health or sound constitutions. Asylums for their support or reception may prevent the commission of crime, but beyond this their efficacy is doubtful. What, then, is the remedy? This is a question we are not yet in a position to answer. We apprehend, however, it must be of a complex nature, which, while it will prevent the inducement to infanticide on the ground of inability to rear the infant, will, at the same time, provide for the child so rescued such fitting nutriment as may preserve its life. The question is one now happily attracting much attention; the day of its practical settlement cannot be far distant.—*Lancet.*

[The statute which now regulates the crime of concealment of birth is not the 9 Geo. 4, c. 31, s. 14, but the 24 & 25 Vict. c. 100, s. 60. But, although the words of the new enactment are in some respects wider than those of the old, they do not meet the necessities of the case.—ED. *S. J.*]

CROWNERS'-QUEST LAW.

A paragraph in the *Times* of the 24th inst. records an incident which shows for the hundredth time the urgent need which exists for medical knowledge on the part of coroners. At an inquest held by Mr. Bird, at Isleworth, the question to be decided was the responsibility of a wretch named Dossett, who murdered his wife, and afterwards cut his own throat; and a great deal of vague talk ensued between the coroner and the jury, the former taking rather the view of insanity, the jury, on the other hand, inclining to think that there should have been special evidence of insanity if a verdict to that effect was to be given. The medical witness, Dr. Mackinlay, prudently declined to pledge himself to any general theory that suicide of necessity *implies* insanity. He treated the prisoner's state as an open question, but evidently inclined to the belief that he was sane in the ordinary sense of the word. Eventually an open verdict was returned. The whole business forcibly impresses the medical reader with the absurdity of a system which leaves the practical decision of intricate psychological questions to non-medical coroners and lay jurymen. In this instance it was not the coroner, but rather the jury, whose caution and prudence prevented a verdict in which the insanity of the prisoner would have been rashly affirmed or rashly denied.—*Lancet.*

[We have elsewhere alluded to this question.—ED. *S. J.*]

VACATION OF THE JUDGES OF COUNTY COURTS.—A provision in a recent Act (28 & 29 Vict. c. 99) yesterday took effect, by which it is provided that "no judge of any county Court shall be obliged to hold any court during the month of September in any year, unless he shall be ordered by the Lord Chancellor to do so." The offices are to be opened in such vacation.

Mr. Manockjee Cursetjee, the well-known Parsee judge and philanthropist, has left Paris on a tour in Germany and Russia.

The Temple Church, which is undergoing a thorough cleansing, is to be re-opened for Divine service on Sunday the 1st of October.

COURTS.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

Aug. 28,—*In re R. G. M. B. Hicks.*—This was an application for leave to render process available against the debtor, who was formerly the governor of Whitecross-street prison, notwithstanding the execution by him of a deed professing to be within the statute.

Mr. *Bannister*, in support of the application, contended that the deed was invalid. He said the parties to the deed were the debtor on the one part, and the creditors who executed the deed on the other part. He argued that the deed created an inequality, and was not binding upon creditors who had not executed the deed.

His HONOUR.—When does the deed bear date?

Mr. *Bannister*.—The 29th of June, 1864.

His HONOUR.—Has the deed ever been impeached before?

Mr. *Bannister* said he was not aware that the deed had been previously impeached.

His HONOUR.—I think it would be an extremely dangerous precedent, and that great difficulty would result from trying the validity of a deed of composition, and particularly one which has been executed so long since.

Mr. *Bannister* said that the application would have been made sooner, but for the circumstance that negotiations had been pending between his client and the debtor. He contended that the deed was clearly bad, and referred to the cases of *Chesterfield* v. *Hawkins*, 13 W. R. 841; and *Gurrin* v. *Kopera*, 13 W. R. 843, in support of his contention. If this Court did not interfere, his client would be without remedy.

His HONOUR.—Where a deed of this kind has been acquiesced in for a very considerable time, I do not think that this Court, upon the application of a non-assenting creditor, ought to be called upon to try a nice conveyancing point, and the application will therefore be dismissed.

LIVERPOOL COUNTY COURT.

Aug. 28.—*Caraher* v. *Treacy and Others.—Important judgment affecting friendly societies.*—The judge (Mr. Serjeant Wheeler) delivered the following judgment in the case of the St. Patrick's Burial Society.

His HONOUR said: This is a rule *nisi* calling upon the defendant, John Treacy, to show cause why an attachment should not issue against him for contempt in not having paid the sum of £7,447 14s. 6d. pursuant to the order of this Court, dated the 10th day of May. The rule was resisted by Mr. Norden, on behalf of the defendant, in a very lengthened argument, the essential points of which may be thus epitomised:—1. He says that the Court has no jurisdiction to take an account of the moneys with which the defendant is chargeable, or, as a consequence, to make an order for their payment. 2. That, if there be jurisdiction in these respects, the account has not been duly taken, and that therefore no order of payment founded upon it can properly be made. 3. That if these objections fail the order is in form invalid, by reason of its directing payment to the receiver, who is a stranger to the suit. 4. That, if the order be valid both in fact and in form, this Court has no power to enforce it by attachment. 5. That, if there be such power of attachment, the plaintiff is not entitled to ask for its exercise, because the rule *nisi* was granted on defective materials, inasmuch as the Court had only evidence before it of the due service of the rule, and that the money had not been paid; whereas there ought in addition to have been proof, as in a common law court, that, after the date limited for payment of the money, its payment had been demanded and refused. I shall glance at the several objections in their order. As to the first and second, it may be remarked that the equitable jurisdiction conferred upon County Courts in the case of friendly societies, takes its date from 1855, and has relation, as it appears to me, to that class of cases which may be said to fall within the description of internal disputes. The authority of these courts does not, in my view, extend to questions distinct from membership, or to dealings and transactions external to the society as a friendly society. With regard to the provisions of the Act creating this jurisdiction, Chief Justice Cockburn says, "I cannot conceive what language could give more extensive powers." And Mr. Justice Byles remarks that "It is impossible to conceive clearer terms giving the County Court all the remedial powers possessed by the Court of Chancery." Of course these expressions do not define the cases in which the County Court has jurisdiction, but are explanatory of the extent of its powers where such jurisdiction exists. This cause appears to me to be within my cognizance, because, if not in all that is asked, certainly, in all that has been granted, the Court has dealt exclusively with matters between the plaintiff as a member of the society, and having strict and close connection with its internal management. Although it may be said that the plaintiff is seeking a remedy for grievances which, if they exist, are not peculiarly or exclusively his, and for which, therefore, he alone cannot sue, it must be remembered that, in transferring to this Court powers which theretofore belonged entirely to the Court of Chancery, the Legislature has not obstructed their exercise by the interposition of technical rules or formal difficulties, but has provided that, instead of its being necessary, as in chancery, in such a suit it would be, that all the members, except those inculpated, should be represented as plaintiffs, redress may be had in this court at the instance of "any party interested in the matter." If, then, I am right in the view that I have jurisdiction, and that its exercise may be asked at the instance of the plaintiff as a party interested, it follows that whatever account the Court of Chancery might have taken, or whatever orders it might have made in the matter, it is competent to this Court now to make. No question can, I think, exist as to the power of the Court of Chancery, both to do what this Court has done and to do it in the way in which this Court has done it, namely, to take the defendant's books as kept by himself or under his directions, and debiting him with the money therein stated to have been received, and crediting him with all the money which is there set down as having been expended or disposed of, call upon him to account for, in other words discharge himself from, the balance. A grave question might perhaps be raised whether, in thus admitting, without further evidence than the entries themselves, every payment alleged to have been made, and every credit of which the benefit is claimed, this Court has not taken too favourable a course for the defendant. But, under the circumstances, it appeared to be expedient, as a means of bringing the case within moderate limits, to adopt the defendant's books as the basis and limit of his accountability, and certainly he has no ground to object to that course of proceeding. Under these circumstances I see no reason to doubt that it is my duty to adopt the account as thus taken, and to support the order which results from it, and in this view the defendant's first and second objections are disposed of. As to the third objection, it appears to me that the receiver is, for the purposes of this suit, an officer of the Court, and, therefore, that the order may properly direct payment to be made to him. The fourth objection is that this Court has no power to issue an attachment in the case. In other words, that it is powerless to enforce its orders, a conclusion which would in effect defeat the Act of Parliament creating jurisdiction, and make the proceedings a solemn absurdity. There are in the Act two sections under which the powers of the county courts in these cases are granted—namely, the 41st and 42nd. It is true that the Legislature has not accompanied the conferring of the new jurisdiction with express authority to attach for disobedience of orders made in pursuance of it, but it appears to me that the grant of jurisdiction carries with it, as a necessary and inseparable consequence, the powers incident to its exercise. There is high authority for this view. Mr. Justice Willes, in the case of *Hoey* v. *M'Farlane*, 4 C. B. 734, says, "there are ample means for enforcing the orders of the county court. A power to enforce its orders," adds his Lordship, quoting "Viner's Abridgement," "is incident to every court." And, in answer to the contention in the same case, that the remedies in the exercise of this equitable jurisdiction are limited to those prescribed by the 42nd section, and which are both inadequate and inapplicable in an infinite variety of cases, Mr. Justice Byles observes that the 42nd section in no way controls the 41st, and that the powers given by the 42nd are cumulative upon those of the 41st; thus vesting in the county courts a jurisdiction which the Court of Chancery does not possess. I come now to the fifth and last objection, in which I thought at first there was much force—namely, that after the time limited by the order for payment there must, as a necessary preliminary to the right to an attachment, be a demand and refusal of payment. It may be that if I were in this case exercising the power of a common law court, the demand would be necessary as contended for, but

my functions are in fact those of the Court of Chancery, and it appears to me that in administering its remedies, I must, as far as possible, conform to its practice. In that court, as I am informed, the affidavit of the personal service of the order of payment, and of default in payment, as directed, is sufficient ground for an attachment, and as such evidence would suffice in Chancery, I must hold that it suffices here. But it must not be forgotten that a rule absolute in the first instance has not been sought by the plaintiff, but a rule *nisi* only, calling upon the defendant to show cause why he should not be attached. The defendant has made no answer by evidence or affidavit; he has limited his resistance to the rule to the arguments which the ingenuity of his learned advocate has suggested. This last objection must, in my judgment, share the fate of its predecessors. I may say before I conclude that I was reminded in the course of the discussion that the orders of this Court in these cases are without appeal, and that the fact has been used as an argument against the right of the Court to deal with the questions in issue in this suit. It may be that whilst Parliament thought it right to place within reach of the classes constituting those friendly societies a cheap and easy remedy, and to make that remedy final and without appeal, it was not considered likely or perhaps ever possible, that questions involving very serious amounts would fall under the cognizance of the County Courts. But whatever views may have been entertained upon this subject, the plain terms of the Act of Parliament remain, and must determine what the jurisdiction is; nor am I at liberty to fritter away those terms or to decline to exercise the powers conferred upon me according to my conscientious view of what their true import is by the mere amount in question, which, after all, may be only a question of figures and not of principle, and may involve no difficulty either of law or of fact. I must, therefore, make the rule for an attachment absolute. But I shall direct the warrant to remain in the office for some reasonable time, to enable the defendant, if he should be so advised, to apply for a prohibition, and this can be done during vacation to a Judge at Chambers. Probably in the event of such application, the vacation judge may think it right, in a matter which is both new and important, to put it in train for discussion before the judges in Westminster Hall in the ensuing term.

GENERAL CORRESPONDENCE.

Common-Clerk-Solicitors.

Sir,—Allow me a word or two with your correspondent, "A. V. S.," with reference to his sneer at "common-clerk-solicitors." As he has only recently got through the preliminary, he is probably ignorant that several of the most respectable firms in London are entirely composed of men who have once been in the humble position of clerks, and worked their way by talent and good conduct to their present position. No more suicidal policy could be pursued by the Law Society than that recently adopted of heaping impediments in the way of the "ten years men," and conducting the preliminary examinations in such a way as to practically exclude all but university men, or persons educated at the great public schools. No better stimulus to good conduct and energy can be presented to a man than that of the hope of ultimately succeeding to a share in the business he conducts, and in years ago this was very well understood by solicitors, who then saw that they best consulted their own interests by offering such inducements as the reward of zeal and integrity. No doubt this is all over now; "a clerk once, a clerk ever," is the cry of the modern "classical-scholar solicitor," and there is equally no doubt of another thing, viz., that in proportion as the profession is closed to "common clerks," so, every year, will a lower and less educated class of men seek employment in solicitors' offices, and in the end the solicitors will certainly be the losers. It is obvious that the object of the Law Society is to diminish the number of candidates for examination, and thereby limit the numbers of the profession and create a virtual monopoly in favour of a select class of individuals, but, to use a vulgarism, "it won't do." The day for exclusive privileges and class legislation is over, and in exact proportion as the society is successful in excluding properly qualified persons, merely because they have no knowledge of subjects utterly foreign to the profession, so far will public attention be directed to the subject; nor will the Government be blind to the financial advantage of having 50,000 names in the *Law List* instead of 10,000. In the name of common sense, if I possess the requisite technical skill and knowledge for the conduct of a suit in equity or an action at law, why should I not be allowed to do so and to make charges for so doing, subject to paying the certificate duty? There is no more reason why attorneys should constitute a privileged class than that butchers or bakers should be so; nor is it to the advantage of the profession that they should be. Huge fortunes, far exceeding anything realised by solicitors, are acquired by merchants, such as Mr. G. Peabody and Mr. R. Thornton, under a system of the freest and fiercest competition, and so far from the throwing open of the legal profession being an injury to the existing members of it, there is no doubt it would be an unmixed good. Your correspondent, with his veneration for exclusiveness, should read Mr. J. S. Mill's opinion upon the subject (Pol. Econ., vol. 1, pp. 480-5, and the chapter on Socialism); and with reference to the extreme value of a university education, on referring to a file of the *Times* within the last fortnight or so, he may find an advertisement from "a Solicitor, M.A. and LL.D., of Oxford," seeking a situation "in London, at *not less* than £80 per annum"!! Even now loud complaints are made by solicitors of the difficulty of getting really responsible and trustworthy clerks, and they may rely upon it that the more it is evident that a clerk, however zealous and well-conducted he may be, is to have no hope of ever being anything else than a hired labourer, the more will educated and energetic men shun the profession. For myself, after twelve years of arduous work, being luckily on the right side of thirty, I am now about to transfer my energies to another sphere of action, where I shall not have to cope with "triple" examinations, instituted nominally to "raise the status" of the profession, but really to limit their numbers, and create a monopoly in favour of incompetency—if it only possesses an university degree. G.

[We insert this letter with pleasure, in justice to a large class of highly respectable men, to whom we feel sure that our correspondent of last week did not mean to offer any intentional affront. We may also take this opportunity of expressing our cordial approval of the new "preliminary examination." "G." is quite mistaken in supposing that its establishment will exclude from the profession all but university or public school men. The subjects selected are quite within the reach of any boy educated at an ordinary middle-class school, or even at one of our national schools.—Ed. *S. J.*]

"Material Variances."

The following letter appeared in the *Standard* of August 30th:—

Sir,—At a time when considerable anxiety prevails with reference to joint-stock companies, and more especially with regard to some recently established, I should feel obliged if you will kindly insert the following few observations:—

The act of 1862, by which these companies are regulated, is, I think, a sufficient protection to the general public provided that where there is reasonable ground to suspect fraud, or misrepresentation, or concealment of facts, the shareholders act together under the advice of a respectable solicitor.

The register, which contains the names and addresses of all persons to whom shares have been allotted, may be, at all reasonable times, examined by any member gratis, and he may also, on payment of a small sum, demand a copy of said register. It will be at once apparent that there is no difficulty in shareholders communicating freely with each other. The register is kept at the company's office, and dates from the registration of the company.

I will quote a clause in the Act framed expressly for the protection of the shareholding public, viz:—

"1. The advertisements and prospectuses must contain no statement of fact which the promoters do not actually know to be correct, and must contain no statement of probabilities which they do not believe to be correct.

"2. If the company is not formed according to the advertisement or prospectus, or if any material statement of facts therin are not true, or if any statement of probabilities were not believed by the promoters to be true, the promoters (by which it is meant provisional directors, if any are appointed) will be liable to the allottees for the return of their deposits."

In addition to this any fraudulent statement or concealment of fact will subject the persons putting it forward to criminal proceedings.

The Act contains many more efficient clauses for the protection of the public, but I feel it would be unfair to trespass further on your valuable space.

In conclusion I would strongly urge that in any instance where money has been obtained from the public upon any mis-statement or concealment of fact (more especially for the purpose of preventing the bankruptcy of an individual or individuals, such not having been represented in the prospectus when issued) that the shareholders should call a meeting among themselves, appoint a committee, and place the matter in the hands of an experienced solicitor and proceed against the directors according to law; and I venture to say, if this course is adopted, we shall soon cease to hear of money being obtained by false pretences.

Aug. 28. SHAREHOLDER.

RE CHARLOTTE WINSOR.

Sir,—In *Rex.* v. *Ledingham*, 1 Vent. 97, it is laid down that, "in cases of life and member, if the jury cannot agree before the judges depart, they are to be carried in carts after them, so they may give their verdict out of the county."

In 3 Inst. 110, Lord Coke says, "If any person be indicted of treason, or of *felony*, or larceny, and plead not guilty, and thereupon a jury is returned and sworn, their verdict *must* be heard, and they cannot be discharged."

Mr. Serjeant Hawkins, in 2 Curw. Hawk. 619, says, "it seems to have been an ancient uncontroverted rule that a jury sworn and charged in a capital case cannot be discharged without the prisoner's consent, till they have given a verdict, and notwithstanding some authorities to the contrary in the reign of Charles II., this hath been holden for clear law both in the reign of King James II. and since the revolution."

In the face of these authorities I am at a loss to know why so learned a judge, as Mr. Baron Channell is universally admitted to be, could have been induced to discharge the jury on the first trial of this prisoner. I can find no case to support his decision, except that in *Sir John Wedderburn's case* (Fost. 23), the judges agreed "that admitting the rule land down by Lord Coke to be a good general rule, yet it cannot be *universally* binding, nor is it easy to lay down any rule that will be so—the rule cannot bind in cases where it would be productive of great hardship or manifest injustice to the prisoner."

Surely this case ought not to have been an exception to the almost universal rule as laid down by the above authorities. It is true that, in all probability, Mr. Baron Channell had not the means of referring to these books on the happening of the emergency, and to this cause alone can I attribute the evident failure of a well deserved punishment in this case.

In these days of railway travelling the journey in the *cart* might have been exchanged for a pleasant trip by railway at the expense of the country. T. J. S.

APPOINTMENTS.

Mr. GEORGE FREDERICK COOKE, of 3, Serjeant's-inn, Chancery-lane, has been appointed a London Commissioner for administering oaths in common law.

Mr. GEORGE HUME, Chief Clerk to The Master of the Rolls, has been appointed a Taxing-master in Chancery, in the room of the late Mr. Parkes.

IRELAND.

The Attorney-General has refused to sanction the application, made on behalf of L. King, found guilty of the murder of Lieut. Clutterbuck, for a writ of error, on the ground of the challenge to the array of jurors.

The sentence of death will be carried out next week.

A HINT TO OVERTAXED JURORS.—In the Leeds Nisi Prius Court a new mode of getting off a jury has just been published. When the counsel for the plaintiff rose to sum up, one of the jury said he had already made up his mind. The judge, therefore, directed him to retire from the box, and it was agreed that a verdict should be taken from the remaining eleven. The juryman exhibited a little modest hesitation in leaving the box, but upon being pressed he retired, saying, amid much laughter, "thank you, my lord; I have a young wife waiting for me."

PUBLIC COMPANIES.

ENGLISH FUNDS AND RAILWAY STOCK.

LAST QUOTATION, August 31, 1865.

[*From the Official List of the actual business transacted.*]

GOVERNMENT FUNDS.

3 per Cent. Consols, 90	Annuities, April, '85.
Ditto for Account, Sept. 7—89¾	Do. (Red Sea T.) Aug. 1808 —
3 per Cent Reduced, 90	Ex Bills, £1000, 3-3½ per Ct. par
New 3 per Cent., 89¾	Ditto, £500, Do. dis
Do. 3½ per Cent., Jan. '94 —	Ditto, £100 & £200, Do. dis
Do. 2½ per Cent., Jan. '94 —	Bank of England Stock, 5¾ per Ct. (last half-year)
Do. 5 per Cent., Jan. '73 —	Ditto for Account, —
Annuities, Jan. '80 —	

INDIAN GOVERNMENT SECURITIES.

India Stock, 10½ p Ct. Apr. '74 —	Ind. Enf. Pr., 4 p C., Jan. '72, —
Ditto for Account, —	Ditto, 5½ per Cent, May, '79, —
Ditto 5 per Cent., July, '70, 105¼	Ditto Debentures, per Cent., April, '64 —
Ditto for Account, —	Do. Do., 5 per Cent., Aug. '66, —
Ditto 4 per Cent., Oct. '88 —	Do. Bonds, 4 per Ct., £1000, — pm.
Ditto, ditto, Certificates, —	Ditto, ditto, under £1000, — pm.
Ditto Enfaced Ppr., 4 per Cent. —	

RAILWAY STOCK.

Shares.	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	96
Stock	Caledonian	100	135
Stock	Edinburgh and Glasgow	100	92
Stock	Glasgow and South-Western	100	112
Stock	Great Eastern Ordinary Stock	100	47½
Stock	Do., East Anglian Stock, No. 2	100	8½
Stock	Great Northern	100	132 xd
Stock	Do., A Stock*	100	150 xd
Stock	Do., B Stock	100	129 xd
Stock	Great Southern and Western of Ireland	100	88
Stock	Great Western—Original	100	67¼
Stock	Do., West Midland—Oxford	100	47
Stock	Do., do.—Newport	100	45
Stock	Do., do.—Hereford	100	107
Stock	Lancashire and Yorkshire	100	120
Stock	London and Blackwall	100	90
Stock	London, Brighton, and South Coast	100	105
Stock	London, Chatham, and Dover	100	40
Stock	London and North-Western	100	124½
Stock	London and South-Western	100	97½ xd
Stock	Manchester, Sheffield, and Lincoln	100	58
Stock	Metropolitan	100	136½
10	Do., New	£4:10	3¼ pm
Stock	Midland	100	128¾ xd & xn
Stock	Do., Birmingham and Derby	100	100 xd & xn
Stock	North British	100	58
Stock	North London	100	120 xd
10	Do., 1864	5	6¾ xd
Stock	North Staffordshire	100	78
Stock	Scottish Central	100	154
Stock	South Devon	100	57 xd
Stock	South-Eastern	100	82
Stock	Taff Vale	100	155 xd
10	Do., C	3	4 pm xd
Stock	Vale of Neath	100	106 xd
Stock	West Cornwall	100	51

* A receives no dividend until 6 per cent. has been paid to B.

COMMON LAW BUSINESS.—The annual return made to the Home-office shows that Westminster-hall has no reason to complain of want of business. 113,158 writs of summons were issued last year from the Courts of Queen's Bench, Common Pleas, and Exchequer; the average is very little over 100,000. The great mass of these claims are settled, and in only about a fourth of them is any appearance entered for the defendant; but more causes were brought to trial last year than usual—1,219 at Westminster and Guildhall, and 1,035 at the assizes. The plaintiff got a verdict in more than two-thirds of the causes tried, including those which were undefended, and which constituted a fifth of the whole number in London and Westminster, where alone they are distinguished in the returns; the defendant won the day, either by verdict in his favour or by nonsuiting the plaintiff, in nearly a sixth of the causes; and the rest were disposed of in various ways—175 referred to arbitration, 38 sent to the full Court for argument on a "special case," in 86 a juror was withdrawn by consent and no verdict asked, and 35 were puzzling cases in which the jury had to be discharged, unable to agree upon a verdict. One cause on circuit is returned as made a remanet *pro defectu juratorum*. 17,676 writs of execution against goods were issued from these courts in the year, and 7,242 writs of *capias* for taking the person in execution upon a judgment obtained; the aggregate is above the average, but the latter number is below it. Of the business transacted in full court a just idea can hardly be given by numbers; but it may be noted that in 348 cases application was made for a new trial or otherwise

altering the verdict, and in 110 the application was, after argument, granted; 308 other special motions were made, and in 236 of them a rule *nisi* was granted to be afterwards argued by both sides; 54 special cases were heard, 89 demurrers, 14 appeals from decisions of revising barristers. The Court of Queen's Bench had also its Crown-side business to dispose of. The business done in the year at the "chambers" of the judges did not equal the average amount, but still there were 41,123 summonses issued, and 17,826 affidavits or affirmations made; there were 3,810 attendances of counsel. On the whole, law and lawyers seem to have had an average crop.

MAKING WILLS.—Very lately a will disposing of considerable property was null and void because an old lady signed her name before the butler, who signed after her, and then went down for the cook, who signed in her turn, but she and the butler were not both present at same time. Lord St. Leonards mentions two curious cases in regard to the execution of wills; in one, where a lady went to her attorneys office to execute her will, but executed it in her carriage, in the presence of the witnesses, who then returned into the office to attest it. The validity of the will was established because the carriage was accidentally put back to the window of the office, through which, it was sworn by a person in the carriage, the lady might see what passed—that is, the witnesses signing the attestation. In another instance of this nature there was an unseemly contest between the Court of Chancery and the juries who had to try the validity of a will of a noble duke, which depended upon the question, whether the testator could see the witness; who signed in an adjoining room? Two juries found in favour of the will, and yet the Court directed a third trial. A case, which lately ocurred, involves a great hardship on one of the legatees of a will through the negligence of an attorney. A will was duly executed and attested, when it was remembered that one of the witnesses was a legatee; another witness was therefore procured and signed her name; but, alas! her fellow-witness did not again sign, so that the second execution falls to the ground, as the will was not re-executed in the joint presence of the witnesses.* Before Lord St. Leonards' Act came into operation, in 1852, it was necessary to sign a will at the foot or end, and great numbers of wills were invalidated by non-compliance with this law.—*Fraser.*

THE LONG VACATION.—Lord Eldon was horrified at Lord Brougham sitting as a judge in the Court of Chancery in a small wig. Nothing but a full bottomed wig was worthy of the keeper of the Great Seal. We are afraid that we shall shock our readers—or at least our professional readers—more when we advocate the propriety of trespassing upon the sacred ground of the long vacation. While all the legal world is resting, the older members of the profession resolutely seeking retirement where they refuse to be pursued by "cases of opinion," and the younger men honeymooning in Devonshire, sporting in Scotland, or enjoying the exquisite luxury of risking their own lives or the lives of their guides on the slopes of the Jungfrau or the rocks of the Matterhorn, it will seem little short of barbarous for us to suggest in the interest of the public, some modification in a system which leaves, for three or four months in the year, the public without the summary protection of the criminal law and private suitors without the means of establishing their rights. When Charlotte Winsor lingers until November or December in her cell, certain of ultimate release from the capital punishment which she so entirely merits, because the people will not hear of her execution after so long a suspense; when Ernest Southey must be kept in prison at the expense of the public until the time for the Kent winter assizes comes round; and when a Bishop is compelled to return to his colonial diocese with his case unheard because of the practical closing of the Court of Chancery, it is well that we should inquire into the policy of the present system. Why should the ordinary channels through which imperial justice flows be closed for a fourth part of every year?—*Spectator.*

* The writer rather anticipates the course of decision. All that has been done is to issue probate in *fac simile*, leaving it to the Court of Chancery to decide whether the legatee has or has not forfeited her legacy. There is also gross injustice in saying that the misfortune happened (if it has happened) "through the negligence of a solicitor." The solicitor did not know that the witness was a legatee till after she had signed, and he immediatly informed the testator as to what was the law. The case is reported, but we are at this moment unable to lay our hands upon it.

THE NEW LEGAL PEERS.—It is understood in well-informed quarters that the question of "Life Peerage" will not affect the anticipated elevations to the Upper House from the judicial bench.

Dr. Joseph Sharpe, the reader on civil law to the Inns of Court, has resigned the professorship of jurisprudence in University College, London.

ESTATE EXCHANGE REPORT.

AT THE GUILDHALL HOTEL.

Aug. 28.—By Messrs. BEADEL.

Several freehold plots of building land, fronting Old Ford-road, Lefevre-road, and Tredegar-road, Bow—Sold from £80 to £130 per plot.

Aug. 29.—By Mr. DANIEL KEYSE.

Freehold farm, known as Cowden's Farm, situate near Mayfield, Sussex, containing about 56a 1r 12p—Sold for £2,020.

AT GARRAWAY'S.

Aug. 25.—By Messrs. RUSHWORTH, JARVIS, & ABBOTT.

Leasehold messuages or houses with shops, being Nos. 8, 9, and 10, Great Chapel-street, Westminster; estimated annual value, £200; term, 40 years from 1850; ground-rent £2 per annum—Sold for £1,420.

By Messrs. SEDGWICK & SON.

Freehold and copyhold property, known as Durrant's Farm, situate near Cashio-bridge, Herts, consisting of a farmhouse, buildings, and about 28a 3r of arable, meadow, and wood land—Sold for £2,460.

Freehold residence, situate at Clay-hill, Bushey, Herts—Sold for £410.

Aug. 29.—By Mr. STAPLETON.

Leasehold, 5 houses, known as Roberts-terrace, South-road, Forest-hill, producing £150 per annum; term, 90 years from 1859; ground-rent, £22 10s. per annum—Sold for £1,010.

By Mr. NIGHTINGALE.

Freehold building-ground, with cottage and out-buildings thereon; also a corner plot of ground, situate at Ditton-green, Surrey—Sold for £1,835.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

DYMOND—On Aug. 25, at Carlton-hill, St. John's-wood, the wife of W. P. Dymond, Esq., Barrister-at-law, of a son.

PICKERING—On Aug. 26, the wife of Percival Pickering, Esq., Q.C., of a daughter.

SIMMONDS—On Aug. 25, at Measham House, Derbyshire, the wife of John Simmonds, Esq., Barrister-at-Law, of a daughter.

TASSELL—On Aug. 28, at Faversham, the wife of James Tassell, Esq., Solicitor, of a son.

TIDY—On Aug. 25, at Ampthill-square, the wife of H. Edgar Tidy, Esq., of Clifford's-inn, Solicitor, of a daughter.

MARRIAGES.

ADE—KINSEY—On Aug. 29, at St. James's, Paddington, George Ade, Esq., of Upper Westbourne-terrace, and of Serjean's-inn, to Elizabeth Anne, eldest daughter of William Kinsey, Esq., of Sussex-gardens, Hyde-park.

MANNING—RAWLE—On Aug. 26, at St. Ann's, Highgate-rise, M. Prendergast Manning, Esq., of Mitre-court-chambers, Inner Temple, to Cecilia Smith, youngest daughter of Richard Rawle, Esq., of Boscastle House, Highgate-road.

NOTTIDGE—STREETEN—On Aug. 24, at the Parish Church, Tunbridge, Thomas Nottidge, Esq., of Lincoln's-inn, Barrister-at-Law, second son of the late George Nottidge, Esq., of Yardley Lodge, Tunbridge, to Charlotte Henrietta, third dauyhter of the late Rev. Henry Thos Streeten, B.A., of Lydiard House, Wilts.

RAE—CLARK—On Aug. 24, at Trinity Church, St. Marylebone, John Rae, Esq., of Mincing-lane, and Guildford-street, Russell-square, Solicitor, to Harriet, youngest daughter of Samuel B. Clark, Esq., of New Cavendish-street, Portland-place.

DEATHS.

ROBERTSON—On Aug. 25, at Airfield, Dublin, Robert Robertson, Esq., Advocate, aged 64.

WICKENS—On Aug. 24, at Camden-road-villas, Elizabeth Emma, the wife of Henry Wickens, Esq., Solicitor.

LONDON GAZETTES.

Winding-up of Joint Stock Companies.

FRIDAY, Aug. 25, 1865.

UNLIMITED IN CHANCERY.

Tretoil and Messer Mining Company.—It is peremptorily ordered that a call of 4s. per share be made on all the contributories, and it is peremptorily ordered that each of such contributories do, on or before Aug 31, pay to Fredk Whinney, 5, Serle-st, Lincoln's-inn, the balance (if any) which will be due from him after debiting his account in the company's books with such call.

South Lady Bertha Copper Mining Company.—It is peremptorily ordered that a call of £1 per share be made on all the contributories, and it is peremptorily ordered that each of such contributories do, on or before Sept 15, pay to Robt Palmer Harding, 3, Bank-buildings, the balance (if any) which will be due from him after debiting his account in the company's books with such call.

Friendly Societies Dissolved.

TUESDAY, Aug. 29, 1865.

Grand Protestant Institution and Association of Loyal Orangemen Sick and Funeral Friendly Society, Bird-in-Hand Tavern, Birkenhead, Chester. Aug 24.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Aug. 25, 1865.

Gwynne, Margaret Teresa, Crickhowell, Brecon. Oct 2. Morgan v Gwynne, V. C. Wood.

TUESDAY, Aug. 29, 1865.

Denman, Catherine, Markham Clinton, Nottingham, Spinster. Oct 2. Re Denman, M.R.

Payne, Eliz, Bristol, Widow. Oct 31. Warren v Tilley, V. C. Stuart.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Aug. 25, 1865.

Armstrong, Francis, Preston, Lancaster, Attorney-at-Law. Oct 1. Ascroft, Preston.

Blencowe, Rev Peter Gramer, Putley Rectory, Hereford, Clerk. Oct 7. Masefield & Sons, Ledbury.

Boswell, Wm, North Shields, Northumberland, Gent. Oct 20. Wright, Seaham Harbour.

Bramley, Edwd, Sheffield, Solicitor. Oct 21. Gainsford & Bramley, Sheffield.

Browne, Chas Augustus Gunter, Devonshire-pl, Major in 4th Hussars. Nov 30. Wadeson & Malleson, Austin Friars.

Cardo, Eliz, Chew Magna, Somerset, Spinster. Oct 25. Poole, Bridgwater.

Cartwright, Rev Richd Betton, Rector of South Stoke, Lincoln. Dec 5. Osborne & Co, Bristol.

Cocks, Geo, Reading, Berks, Corn Dealer. Nov 1. Soames & Cooke, Wokingham.

Cook, Robt, Gainsborough, Lincoln, Surgeon. Oct 26. Oldman & Wood.

Dear, Sarah Ann, Adelaide-pl, Poplar, Widow. Sept 29. Shaen & Roscoe, Bedford-row.

Fytche, Mary Anne, Wells-walk, Hampstead, Spinster. Oct 15. Coverdale & Co, Bedford-row.

Graham, Hy Gibbon, Street, Somerset, Esq. Oct 1. Bulleid, Glastonbury, Somerset.

Hallam, Geo, Gainsborough, Lincoln, Innkeeper. Oct 26. Oldman & Wood.

Hamilton, Chas Thos, Windsor-ter, Maida-hill, Middx, Esq., M.D. Oct 7. Rhodes & Co, Chancery-lane.

Hepworth, John, Aston, nr Birm, Solicitor. Oct 31. Mitchell, Birm.

Hipkins, Dani, Bloomfield, Tipton, Stafford, Gent. Nov 1. Whitehouse, Wolverhampton.

Horley, Thos, Fetcham, Surrey, Gent. Oct 30. Hart & Hart, Dorking.

Huntley, Reuben Jas, Woodland-cottages, Turnham-green, Middx, Gent. Sept 30. Harrisons, Walbrook.

Jerningham, Matilda, St Stephen's-rd, Bayswater, Middx, Widow. Sept 30. Slaughter & Cullington, Mansfield-st, Portland-pl.

Mogg, Jacob Fredc Young, Midsomer Norton, Somerset, Gent. Sept 29. Mogg, Bristol.

Pappalardo, Vincent, Bitterne, Hants, Ship Agent. Oct 1. Binsteed & Elliott, Portsmouth.

Peake, Jas Thos, Clandown, Midsomer Norton, Somerset, Brewer. Sept 29. Mogg, Bristol.

Poole, John, Kibblestone Hall, Stafford, Gent. Sept 30. Heaton, Buralem.

Taylor, Joseph, Walsall, Stafford, Ironmonger. Sept 29. Glover, Walsall.

Waddington, Jas, Annette-cres, Islington, Umbrella Manufacturer. Sept 29. Bakers & Nairne, Crosby-sq, Bishopsgate-st.

Wilkinson, John, Halifax, Ironfounder. Sept 30. Craven.

TUESDAY, Aug. 29, 1865.

Ackers, Abraham, Bickershaw Hall, nr Wigan, Esq. Nov 1. Marsh & Barrett, Warrington.

Bailey, Mary, Kentish-town-rd, Widow. Sept 29. Denton & Hall, Gray's-inn-sq.

Dodd, Georgina, Grosvenor-pl, Hyde-park, Widow. Oct 30. Burgoynes & Co, Oxford-st.

Field, Mary, Reading, Berks, Spinster. Sept 26. Lake & Co, New-sq, Lincoln's-inn.

Gradwell, John, Lpool, Cabinet Maker. Oct 1. Holden, Lpool.

Hancock, Sarah, Treeton, York, Widow. Nov 1. Broomhead, Sheffield.

Holden, Rev Geo, Maghull, Lancaster, Clerk. Sept 30. Radcliffe, Lpool.

Hargrave, Chas Wm, Albion-rd, Dalston, Accountant. Oct 2. Shepheard, Moorgate-st.

Mason, Wm, Park-crescent, Stockwell, Commercial Traveller. Oct 2. Shepheard, Moorgate-st.

Nicholls, Chas Geo, New Hampton, Middx, Esq. Oct 1. Hellard & Son, Portsmouth.

Young, Joseph, Alton, Hants. Sept 29. Clement & Son, Alton.

Assignments for Benefit of Creditors.

FRIDAY, Aug. 25, 1865.

Percival, Chas Hy, Lpool, Broker. Aug 10. Lace, Childwell, Lancaster.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Aug. 25, 1865.

Adkin, Hy, Withington, Lancaster, Schoolmaster. Aug 1. Comp. Reg Aug 24.

Aplin, John, Wimborne Minster, Dorset, Draper. Aug 2. Comp. Reg Aug 22.

Atkinson, Thos, and Richd Pugh, Cardiff, Glamorgan, Shipwrights. Aug 8. Asst. Reg Aug 24.

Attwood, Thos, Dover, Kent, Grocer. Aug 1. Comp. Reg Aug 22.

Ball, Wm, Leicester, Coach Builder. July 29. Asst. Reg Aug 23.

Bargate, Thos, Barrow-in-Furness, Lancaster, Grocer. Aug 17. Comp. Reg Aug 24.

Case, Chas, New Millman-st, Lamb's Conduit-st, Cab Proprietor. July 31. Conv. Reg Aug 25.

Clarke, Jas, Luton, Bedford, Straw Hat Manufacturer. Aug 14. Conv. Reg Aug 25.

Cookes, Thos, Bermondsey Wall, Surrey, Potter. July 26. Comp. Reg Aug 22.

Davenport, Jas, Higher Tranmere, Chester, Builder. July 27. Comp. Reg Aug 24.

Davison, Geo, Berwick-upon-Tweed, Clothier. July 29. Conv. Reg Aug 25.

Early, Sarah Ann, Burford, Oxford, Widow. July 29. Conv. Reg Aug 25.

Eichbaum, Geo, Upper Belgrave-pl, Pimlico, Wine Merchant. July 28. Comp. Reg Aug 24.

Eickhoff, Alex, Wood-st, Clerkenwell, Table Manufacturer. Aug 14. Comp. Reg Aug 24.

Fleming, John, Ulverston, Lancaster, Grocer. July 29. Asst. Reg Aug 22.

Gardiner, Joel, Bedminster, Bristol, out of business. Aug 21. Comp. Reg Aug 23.

Gerrard, John, Westbourne-ter North, Paddington, Builder. Aug 18. Inspectorship. Reg Aug 22.

Hall, John, Leicester, Builder. July 29. Asst. Reg Aug 23.

Hayward, Harriet, Ebury-st, Pimlico, Stay Maker. Aug 19. Asst. Reg Aug 23.

Hemingway, Jas, John Hemingway, Benj Hemingway, & Wilson Hemingway, Bank Top, Dewsbury, York, Blanket Manufacturers. July 27. Asst. Reg Aug 23.

Ladell, Wm Hykes, & Wm Ibotson, Wraysbury, Middx, Paper Manufacturers. June 24. Comp. Reg Aug 23.

McRae, Geo, Bow-rd, Middx, Florist. July 31. Comp. Reg Aug 25.

Mitchell, Hy, Ryde, Isle of Wight, Hants, Butcher. July 29. Conv. Reg Aug 25.

Murphy, Thos, Manch, Confectioner. Aug 1. Conv. Reg Aug 23.

Noot, Thos, Knap, Pembroke, Joiner. Aug 17. Conv. Reg Aug 22.

Osterroth, Fredk, & Theodore Hegewald, Upper Thames-st, Merchants. July 28. Comp. Reg Aug 25.

Parker, John, & Geo Parker, Louth, Lincoln, Wine Merchants. Aug 10. Comp. Reg Aug 24.

Prentice, Richd Geo, Esmond-rd, Victoria-park, Grocer. July 28. Asst. Reg Aug 24.

Richardson, Wm, Lpool, Draper. July 27. Conv. Reg Aug 23.

Robinson, David, Euston-rd, Paper Hanging Dealer. July 27. Conv. Reg Aug 22.

Robinson, Joseph, Manch, Brass Founder. Aug 3. Comp. Reg Aug 23.

Ross, Donald, Birm, Travelling Draper. July 27. Conv. Reg Aug 23.

Shaw, Robt, Golcar, York, Cloth Finisher. July 27. Asst. Reg Aug 23.

Smith, Clement, Bath-st, City-rd, Pawnbroker. July 29. Comp. Reg Aug 25.

Sulley, Joseph, Nottingham, Bookseller July 31. Conv. Reg Aug 23.

Summer, Wm, Harrow-rd, Furniture Dealer. Aug 14. Asst. Reg Aug 24.

Todd, Wm Gray, Luton, Bedford, Stationer. Aug 10. Conv. Reg Aug 25.

Webster, Jas, Leeds, York, Tinner. Aug 16. Comp. Reg Aug 24.

Williams, Thos, Hundleton, Pembroke, Grocer. Aug 8. Comp. Reg Aug 24.

Wood, Joseph, & John Walker, Pudsey, York, Cloth Manufacturers. Aug 8. Comp. Reg Aug 24.

TUESDAY, Aug. 29, 1865.

Allen, Saml, Macclesfield, Chester, Cabinet Maker. Aug 18. Comp. Reg Aug 28.

Arnold, Wm, Old Ford-rd, Bow, Flax Merchant. Aug 19. Asst. Reg Aug 25.

Baldwin, Jas, jun, Rotherfield, Sussex, Saddler. Aug 2. Comp. Reg Aug 28.

Barling, Edwd Thos, Sheerness, Kent, Tailor. July 31. Asst. Reg Aug 28.

Bergan, Martin, Walsall, Stafford, Travelling Draper. Aug 2. Asst. Reg Aug 29.

Braham, Hy Jas, Osnaburg-st, Regent's-park, out of business. Aug 14. Comp. Reg Aug 28.

Brandt, Gustavus Adolphus, Newcastle-upon-Tyne, Merchant. Aug 14. Comp. Reg Aug 26.

Brittlebank, Wm, & Jas Wrigley, Sheffield, Printers. Aug 10. Comp. Reg Aug 26.

Brooks, Joseph, Hunslet, nr Leeds, York, Paper Merchant. Aug 16. Comp. Reg Aug 26.

Campbell, Archibald, Walsall, Stafford, Travelling Draper. Aug 2. Conv. Reg Aug 29.

D'Arcy, Wm Arthur, Alpha-rd, Regent's-park, Civil Engineer. Aug 7. Arr. Reg Aug 29.

Dey, Chas, Walsall, Stafford, Travelling Draper. Aug 5. Conv. Reg Aug 29.

Donnelly, John, Manch, Clothes Dealer. July 31. Asst. Reg Aug 25.

Fisher, John Deighton, Halifax, York, Chemist. Aug 16. Comp. Reg Aug 28.

Friend, Hy, Lpool, Merchant. Aug 26. Comp. Reg Aug 28.

Fuller, John, Manch, Shoe Manufacturer. July 31. Comp. Reg Aug 26.

Hargreaves, Edwd, Stockport-rd, nr Manch, Dentist. Aug 8. Comp. Reg Aug 26.

Horton, Joseph, & Sarah Horton, Birm, Cut Nail Manufacturers. Aug 1. Comp. Reg Aug 26.

James, Edwd, Preston, Lancaster, Cabinet Maker. Aug 11. Comp. Reg Aug 28.

Jeffs, Jas Harrow, St James's-rd, Holloway, Patent Collar Manufacturer. Aug 22. Arr. Reg Aug 29.

Lonsdale, John, Accrington, Lancaster, Cotton Manufacturer. Aug 11. Comp. Reg Aug 28.

Marsden, Ephraim, & Chas Edwin Jackson, Lpool, Coal Merchants. July 31. Comp. Reg Aug 26.

Ogden, Robt, and John Ogden, Rochdale, Lancaster, Flannel Manufacturers. July 28. Asst. Reg Aug 25.

Oldknow, Thos, Nottingham, Machinist. Aug 22. Comp. Reg Aug 26.

Parkin, Wm, Chorlton-upon-Medlock, Manch, Joiner. July 31. Comp. Reg Aug 28.

Philps, Wm Alnatt, Lamb's Conduit-st, Coal Merchant. July 31. Comp. Reg Aug 26.

Shevill, Wm, Leeds, York. Blue Slater. Aug 2. Comp. Reg Aug 28.
Shields, Wm, Carlisle, Travelling Draper. July 29. Conv. Reg Aug 26.
Smith, Saml Hare, Bishops Hatfield, Hertford. Aug 24. Comp. Reg Aug 29.
Thompson, Hy, Wolverhampton, Stafford, Coal Dealer. Aug 3. Conv. Reg Aug 29.
White, Thos Geo, Wood-st, Warehouseman. Aug 21. Comp. Reg Aug 26.
Wilson, Francis Edwd, Kirkgate, Leeds, York, Bookseller. Aug 3. Asst. Reg Aug 28.

Bankrupts.

FRIDAY, Aug. 25, 1865.

To Surrender in London.

Assiter, Wm, Prisoner for Debt, Kent. Adj Aug 18. Sept 8 at 1.
Besant, Joseph, Lower Thames-st, Ship and Insurance Broker. Pet Aug 22. Sept 8 at 12. Marsland, Lower Thames-st.
Box, Alfred Marten, Ship Tavern-passage, Leadenhall-market, Licensed Victualler. Pet Aug 19. Sept 6 at 11. Beard, Basinghall-st.
Bunyard, Thos, Prisoner for Debt, Kent. Adj Aug 18. Sept 6 at 1.
Clark, Jas Geo, Hereford-st, Bethnal-green-rd, Baker. Pet Aug 23. Sept 8 at 1. Goatley, Covent-garden.
Davison, Hy, Montpelier-st, Brompton, Baker. Pet Aug 21. Sept 8 at 11. Coltman, St Martin's-ct, St Martin's-lane.
Dietrich, Paul, Dorset-pl, Dorset-sq. Court Milliner and Dress Maker. Pet Aug 15. Sept 5 at 1. Lawrance & Co, Old Jewry-chambers.
Eyre, John, Wellingborough, Northampton, Shoe Manufacturer. Pet Aug 23. Sept 8 at 1. Cook, Wellingborough.
Haydon, Wm, Southampton, Stonemason. Pet Aug 21. Sept 8 at 11.
Holman, Wm, Prisoner for Debt, Maidstone. Pet Aug 18. Sept 8 at 12. Shiers, New-inn, Strand.
Isaacs, Simon, Middlesex-st, Whitechapel, Furrier. Pet Aug 21. Sept 6 at 1. Briant, Old Broad-st.
Kendall, Jas Kelson, Newgate-st, Fancy Warehouseman. Pet Aug 18. Sept 5 at 1. Ley & Brocklesby, Water-lane.
Kitts, Chas Wm, East India-avenue, Leadenhall-st, East India Agent. Pet Aug 18. Sept 5 at 1. Stocken, Leadenhall-st.
Low, Richd, Wandsworth, Surrey, Retailer of Beer. Pet Aug 21. Sept 6 at 1. Steadman, Coleman-st.
Marie, Guiseppe de, Lisle-st, Leicester-sq, Jam and Preserved Fruit Manufacturer. Pet Aug 19. Sept 6 at 12. Oldknow, Euston-rd.
Mostran, John Hy, Tottenham-ct-rd, Licensed Victualler. Pet Aug 18. Sept 8 at 11. Beard, Basinghall-st.
Payne, John, Prisoner for Debt, Maidstone. Adj Aug 18. Sept 8 at 12.
Peacock, Chas, Wilcox-rd, South Lambeth, out of business. Pet Aug 22. Sept 8 at 12. Nicholson, Wellington-st, Strand.
Pipre, Horatio Jas Le, Sandwich, Kent, Licensed Victualler. Pet Aug 19. Sept 8 at 11. Bramwell, Basinghall-st.
Roberts, Chas, Hornsey-rise, Middx, Grocer. Pet Aug 18. Sept 6 at 11. Layton, Islington.
Sandeman, Jas, Southampton, Shoe Dealer. Pet Aug 23. Sept 8 at 1. Lawrance & Co, Old Jewry.
Skinner, Wm, Tunbridge-wells, Kent, Bricklayer. Pet Aug 18. Sept 6 at 1. Sole & Co, Aldermanbury.
Smith, John Edwd, Wood-st, Cheapside, Shirt Manufacturer. Pet Aug 18. Sept 6 at 11. Dalton, Bucklersbury.
Stretton, Hy, Highgate, Middx, Clerk in Holy Orders. Pet Aug 23. Sept 8 at 1. Lawrance & Co, Old Jewry.
Symonds, Geo Augustus, Prisoner for Debt, London. Pet Aug 23. Sept 3 at 11. Shearman, Little Tower-st.
Taleen, John Axel, Fenchurch-st, Ship Broker. Pet Aug 22. Sept 8 at 12. Shearman, Little Tower-st.
Williams, Wm, Whitmore-rd, Islington, Waiter. Pet Aug 19 (for pau). Sept 6 at 1. Wood & Ring, Basinghall-st.
Wilson, John Chas, Lime-st, Colonial Engineer. Pet July 28. Sept 5 at 1. Dalton, Bucklersbury.
Zincraft, Chas Thos, Prisoner for Debt, London. Pet Aug 19 (for pau). Sept 6 at 1. Scott, Basinghall-st.

To Surrender in the Country.

Bartlett, Chas, Wonersh, Surrey, Beerhouse Keeper. Pet Aug 19. Guildford, Sept 16 at 12.30. White, Guildford.
Burgess, Wm, Birm, Lamp Manufacturer. Pet Aug 14. Birm, Sept 8 at 12. Duke, Birm.
Butts, Isaac Aston, Warwick, Journeyman Jeweller. Pet Aug 21. Birm, Sept 18 at 10. Allen, Birm.
Colclough, John, Tunstall, Stafford, Journeyman Potter. Pet Aug 24. Tunstall, Sept 9 at 11. Salt, Tunstall.
Dane, John Spencer, Haverfordwest, Music Seller. Pet Aug 22. Bristol, Sept 6 at 11. Henderson, Bristol.
Davis, Wm, Birm, Journeyman Brassfounder. Pet Aug 23. Birm, Sept 18 at 10. Francis, Birm.
Davies, David, Prisoner for Debt, Flint. Adj Aug 19. Flint, Sept 8 at 12. Cartwright, Chester.
Drape, John, Prisoner for Debt, Lewes. Adj Aug 16. Brighton, Sept 4 at 11.
Filipowski, Herschell, Prisoner for Debt, London. Pet Aug 21 (for pau). Sept 8 at 11. Goatley, Covent-garden.
Kenyon, Robt, Prisoner for Debt, Stafford. Adj Aug 19. Stafford, Sept 9 at 11. Tomkinson, Burslem.
Key, Edwd Adderley, Chelford, Chester, out of business. Pet Aug 22. Manch, Sept 11 at 11. Barlow, Manch.
Laight, Jas, Tipton, Stafford, Grocer. Pet Aug 21. Dudley, Sept 7 at 11. Shakespeare, Oldbury.
Lees, Edwd, Prisoner for Debt, Lancaster. Adj Aug 16. Manch, Sept 5 at 11.
Livesey, John, Lancaster, Market Gardener. Pet Aug 22. Preston, Sept 9 at 10. Charnley & Co, Preston.
Lovatt, Hy Jas, Lancaster, Grocer's Assistant. Pet Aug 21. Salford, Sept 9 at 9.30. Makinson, Manch.
Major, Richd, Bridport, Dorset, Auctioneer. Pet Aug 14. Exeter, Sept 4 at 1. Hirtzel, Exeter.
Mason, Jas, Prisoner for Debt, Manch. Adj July 19. Manch, Sept 26 at 9.30.
Mellor, Wm, & Geo Mellor, Leek, Stafford, Silk Manufacturers. Pet Aug 19. Birm, Sept 8 at 12. James & Griffin, Birm.
Mosedale, Chas, Yoxall, Stafford, Labourer. Pet Aug 22. Lichfield, Sept 1 at 10. Wilson, Lichfield.
Murton, Wm, Sunderland, Durham, Plumber. Pet Aug 23. Carlisle, Sept 8 at 11. Wannop, Carlisle.
Parker, John, Lpool, General Merchant. Adj Aug 18. Lpool, Sept 7 at 11.
Prenderson, Jonathan Lacey, Prisoner for Debt, Leeds. Adj Aug 14. Leeds, Sept 6 at 12.
Reed, John Brent, Exeter, Leather Dresser. Pet Aug 21. Exeter, Sept 4 at 12. Clarke, Exeter.
Rees, David, Prisoner for Debt, Taunton. Adj Aug 16. Bristol, Sept 8 at 11.
Retallick, Christopher, St Austell, Cornwall, Cattle Doctor. Pet Aug 24. Exeter, Sept 6 at 1. Fryer, Exeter.
Robinson, Joseph, Newcastle-upon-Tyne, Cowkeeper. Pet Aug 19. Newcastle, Sept 9 at 10. Hoyle, Newcastle-upon-Tyne.
Sharp, Jas, Torquay, Devon, Lodging-house Keeper. Pet Aug 19. Newcastle, Sept 9 at 10. Brewis, Newcastle-upon-Tyne.
Shaw, Alex Aneas, Norton-in-the-Moors, Stafford, Assistant Surgeon. Pet Aug 21. Hanley, Sept 9 at 11. Heaton, Burslem.
Thicket, John, Brimington Moor, nr Chesterfield, Carter. Pet Aug 23. Chesterfield, Sept 12 at 11. Binney & Son, Sheffield.
Smith, Jas, Stockport, Chester, Grocer. Pet Aug 21. Manch, Sept 7 at 12. Cobbett & Wheeler, Manch.
Tranter, Alfred, St George's, Salop, Builder. Pet Aug 2. Birm, Sept 22 at 12. Hodgson & Son, Birm.
Watson, Chas, Birkenhead, Chester, Brewer. Adj Aug 15. Chester, Sept 8 at 11.
White, Wm, Prisoner for Debt, Gloucester. Adj Aug 17. Newnham, Sept 6 at 4. Whatley, Mitcheldean.
Winter, Albert, Havant, Hants, Master Mariner. Pet Aug 22. Portsmouth. Sept 12 at 11. White, Portsea.
Witten, Saml, Salford, Lancaster, Jeweller. Pet Aug 14. Manch, Sept 26 at 9.30. Smith & Boyer, Manch.

TUESDAY, Aug. 29, 1865.

To Surrender in London.

Abbott, Jas, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 11.
Aldridge Hugh, Prisoner for Debt, London. Pet Aug 25 (for pau). Sept 13 at 11. Edwards, Bush-lane, Cannon-st.
Bonython, Wm, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 11.
Bromhead, Geo, Prisoner for Debt, London. Adj Aug 18. Sept 15. at 11.
Calaz, John, Rotherhithe, Surrey, Tailor. Pet Aug 24. Sept 12 at 11. Steadman, Coleman-st.
Chapman, Thos, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 11.
Croft, Thos, Woodford, Essex, out of business. Pet Aug 25. Sept 12 at 12. Wood & Ring, Basinghall-st.
McDougall, Archibald, Horton-road, Hackney, Clerk in Admiralty Office. Pet Aug 21. Sept 8 at 11. Rooks, Coleman-st.
Farrow, Thos, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 12.
Eades, Thos, Prisoner for Debt, London. Pet Aug 3 (for pau). Sept 12 at 11. Edwards, Bush-lane, Cannon-st.
Griffith, John, Gravesend, Kent, no occupation. Pet Aug 25. Sept 12 at 12. Edwards, Bush-lane, Cannon-st.
Hardey, Jas Josiah, Prisoner for Debt, London. Pet Aug 23. Sept 8 at 12. Moojen, Southampton-st, Bloomsbury.
Hardinge, Saml Wilde, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 11.
Harris, Josiah, Prisoner for Debt, Worcester. Adj Aug 15. Sept 8 at 1.
Houssart, Richd Vinkeles, Ash-grove, Hackney, Builder's Clerk. Pet Aug 25. Sept 12 at 12. De Medina, Primrose-st, Bishopsgate.
Howard, Geo, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 1.
Isaac, Saml Thos, Prisoner for Debt, Springfield. Adj Aug 19. Sept 13 at 11.
Jones, Edwd, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 12.
Kitto, Chas Wm, East India Avenue, Leadenhall-st, Ship Broker. Pet Aug 18. Sept 5 at 1. Stocken, Leadenhall-st.
Knox, Mitchelburn, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 11.
Marshall, John, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 12.
Martin, Alfred Joseph, Gurney-rd, Stratford, Beer Agent. Pet Aug 22. Sept 8 at 12. Bramwell, Basinghall-st.
Mearing, Chas, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 1.
Milnes, Fredk, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 11.
Morris, Thos, Moselle-st, Tottenham, Middlesex, Builder. Pet Aug 22. Sept 12 at 11. Poole, Bartholomew-close.
Neumann, Arthur Ferdinand, Prisoner for Debt, London. Adj Aug 19. Sept 15 at 12.
Orford, Joseph, Prisoner for Debt, London. Adj Aug 19. Sept 15 at 1.
Prangley, Richard Figes, Southampton, Auctioneer. Pet Aug 25. Sept 12 at 12. Paterson & Son, Bouverie-st.
Pratt, Chas, Henley-on-Thames, Oxford, Cordwainer. Pet Aug 24. Sept 12 at 11. Courtenay & Co, Gracechurch-st.
Preston, Chas, Gt Tower-st, Attorney-at-law. Pet Aug 23. Sept 8 at 1. Holmes, Milk-st.
Preston, John Richd, Brompton, Middx, no profession. Pet Aug 24. Sept 12 at 12. Parkes, Beaufort-buildings, Strand.
Rodrigues, Anatone, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 1.
Sharp, Geo, Tilehurst, Berks, no occupation. Pet Aug 24. Sept 12 at 12. Sole & Co, Aldermanbury.
Smith, Thos Price, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 1.
Stevens, Andrew, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 12.
Stevens, Ebenezer, Prisoner for Debt, London. Adj Aug 18. Sept 15 at 12.
Stoffel, Joseph, Bayswater, Middx, Decorator. Pet Aug 21. Sept 8 at 11. Smith, Gresham-st.
Strutton, Benj, Charterhouse-lane, Licensed Victualler. Pet Aug 22. Sept 8 at 1. King, Queen-st.